

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS RELATED TO PLACES OF ASSEMBLY, AS FOLLOWS: **ARTICLE 1** – GENERAL PROVISIONS; CHAPTER I – DEFINITIONS AND ACRONYMS; **ARTICLE 3** – OVERLAYS & ZONING DISTRICTS; CHAPTER E – PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F – TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4** – USE REGULATIONS; CHAPTER A – USE CLASSIFICATION; CHAPTER B – SUPPLEMENTARY USE STANDARDS; **ARTICLE 6** – PARKING; CHAPTER A – PARKING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section I. Adoption

The amendments set forth in Exhibit A attached hereto and made a part hereof, is hereby adopted.

Section 2. Interpretation of Captions

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

1 **Section 3. Providing for Repeal of Laws in Conflict**

2 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
3 repealed to the extent of such conflict.

4 **Section 4. Providing for a Savings Clause**

5 All development orders, permits, enforcement orders, ongoing enforcement actions, and
6 all other actions of the Board of County Commissioners, the Zoning Commission, the
7 Development Review Committee, Enforcement Boards, all other County decision-making
8 and advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
9 pursuant to the regulations and procedures established prior to the effective date of this
10 Ordinance shall remain in full force and effect.

11 **Section 5. Severability**

12 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
13 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
14 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
15 Ordinance.

16 **Section 6. Inclusion in the Unified Land Development Code**

17 The provisions of this Ordinance shall be codified in the Unified Land Development
18 Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this
19 Ordinance.

20 **Section 7. Providing for an Effective Date**

21 The provisions of this Ordinance shall become effective upon filing with the
22 Department of State.

23 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
24 County, Florida, on this the 22nd day of June, 2006.

SHARON R. BOCK, CLERK &
COMPTROLLER

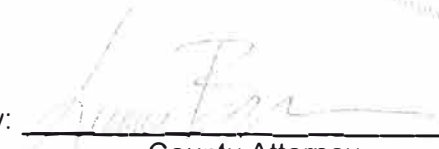
PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

Addie L. Greene, Vice Chairperson

By: 
Deputy Clerk

By: 
Tony Masilotti, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

25
26
27 EFFECTIVE DATE: Filed with the Department of State on the 27th day of
28 June, 2006.

EXHIBIT A

PLACES OF ASSEMBLY AMENDMENTS

Part 1. ULDC, Art 1.1.2, Definitions (page 37 of 96), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

C. Terms defined herein or referenced Article shall have the following meanings:

~~30. Church or Place of Worship~~ -- a premise or site owned, operated, or leased by a tax-exempt religious group which is used periodically, primarily or exclusively for religious worship, activities and related services. A church or place of worship may include collocated facilities. ~~Collocated facilities which require additional approval, except as provided below by F.S., include a day care, school, cemetery, CLF, or other bed-based use such as a convent, seminary, dormitory, or retreat.~~

~~41. Collocated Use~~ - Development in a standard zoning district with two or more uses classified with the definition of a use listed in Art. 4.B.1, Uses.

[Renumber accordingly.]

P. Terms defined herein or referenced Article shall have the following meanings:

~~41. Places of Assembly~~ - Includes Nonprofit Institutional Assembly, Nonprofit Membership Assembly, and Places of Worship.

~~42. Place of Worship~~ - A sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that may require additional approval, such as a day care, school, cemetery, or CLF.

[Renumber Accordingly.]

Part 2. ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 58 of 134), is hereby amended as follows:

Table 3.E.1.B-10 - PDD Use Matrix

| Use Type | PUD | | | | | MUPD | | | | | | | MXPD | | | | PIPD | | | | | |
|-----------------------------------|------|-----------|---|---|---|-----------------------|-----------|----------|----------|-----------|---|-----------|-----------------------|-----------|----------|-----------|-----------|---|---|---|---|----|
| | Pods | | | | | Land Use Designations | | | | | | | Land Use Designations | | | | Use Zone | | | | | |
| | R | C | R | C | A | C | C | C | C | C | I | I | C | C | C | C | I | C | I | M | R | N |
| | E | O | E | I | G | L | H | L | H | R | N | N | L | H | L | H | N | O | N | H | V | O |
| | S | M | C | V | R | | | O | O | | D | S | | | O | O | D | M | D | P | P | T |
| | | | | | / | | | | | | | T | | | | | / | | / | D | D | E |
| Public and Civic Uses | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| Assembly, Nonprofit Institutional | | <u>RP</u> | | R | | R | <u>RP</u> | | | <u>RP</u> | P | <u>RP</u> | R | <u>RP</u> | R | <u>RP</u> | <u>RP</u> | P | | | | 14 |
| Assembly, Nonprofit Membership | | | | R | | R | <u>RP</u> | R | R | <u>RP</u> | P | <u>RP</u> | R | <u>RP</u> | R | <u>RP</u> | <u>RP</u> | P | | | | 15 |
| Place Of Worship | | R | | R | | R | R | <u>R</u> | <u>R</u> | R | | R | R | R | <u>R</u> | <u>R</u> | | R | | R | | 29 |

[Ord. 2005 – 002]

Notes to Table 3.E.1.B-10, PDD Use Matrix:

P Permitted by right

D Permitted subject to approval by the DRO

S Permitted in the district only if approved by Special Permit

R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

Notes:

Underlined language indicates proposed new language.

Language crossed-out indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT A

PLACES OF ASSEMBLY AMENDMENTS

Part 3. ULDC, Table 3.F.1.I-32, Traditional Development Permitted Use Schedule (page 102 of 134), is hereby amended as follows:

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

| District | TND ¹ | | | | | | TMD ¹ | | | | N O T E S |
|-----------------------------------|------------------|-----------|--------|----------|-----------|--------|------------------|-----------|-----------|----------|-----------------------|
| Tier ² | U/S | | | Ex/Rural | | | U/S | Ex/Rural | AGR | | |
| Land Use Zone ³ | Res | N/C | OS/Rec | Res | N/C | OS/Rec | | | Dev | Preserve | |
| Public and Civic Uses | | | | | | | | | | | |
| Assembly, nonprofit institutional | | <u>RP</u> | | | <u>RP</u> | | <u>RP</u> | <u>RP</u> | <u>RP</u> | | 14 |
| Assembly, nonprofit membership | | <u>RP</u> | | | <u>RP</u> | | <u>RP</u> | <u>RP</u> | <u>RP</u> | | 15 |
| Place of worship | | R | | | R | | R | R | R | | 29 |
| | | | | | | | | | | | |

[Ord. 2005 – 002]

Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:

~~P~~ Permitted by right

~~D~~ Permitted subject to approval by the DRO

~~S~~ Permitted in the district only if approved by Special Permit

~~R~~ Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

Part 4. ULDC, Table 4.A.3.A-1, Use Matrix (page 14 of 142), is hereby amended as follows:

Table 4.A.3.A-1 – Use Matrix

| Use Type | Zoning District/Overlay | | | | | | | | | | | | | | | | NOTES | | | | | | | |
|-----------------------------------|---|----------|---|-------------|---|---|---|---|------------|---|---|---|---|------------------|---|----------|----------|----------|---|---|----------|----------|----|----|
| | Agriculture/Conservation | | | Residential | | | | | Commercial | | | | | Industry/ Public | | | | | | | | | | |
| | P | A | A | AR | | R | R | R | R | C | C | C | C | C | C | I | | I | P | I | | | | |
| | C | G | P | R | U | E | T | S | M | N | L | C | H | G | R | L | | G | O | P | | | | |
| | | R | | S | S | | | | | | O | | O | | E | | | | F | | | | | |
| | | | | A | A | | | | | | | | | | | | | | | | | | | |
| Public and Civic Uses | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | |
| Assembly, Nonprofit Institutional | | <u>A</u> | D | | | A | | | | A | A | A | | <u>A</u> | B | | <u>A</u> | P | | P | <u>A</u> | B | 14 | |
| Assembly, Nonprofit Membership | | | | | | A | | | | | | | A | <u>A</u> | B | A | <u>A</u> | P | | P | | <u>A</u> | B | 15 |
| Place of Worship | | | A | | | A | A | A | A | A | A | A | A | <u>A</u> | B | <u>A</u> | B | <u>A</u> | B | | | <u>A</u> | B | 29 |
| | | | | | | | | | | | | | | | | | | | | | | | | |
| [Ord. 2005 – 002] | | | | | | | | | | | | | | | | | | | | | | | | |
| Key: | | | | | | | | | | | | | | | | | | | | | | | | |
| P | Permitted by right | | | | | | | | | | | | | | | | | | | | | | | |
| D | Permitted subject to approval by the DRO | | | | | | | | | | | | | | | | | | | | | | | |
| S | Permitted in the district only if approved by Special Permit | | | | | | | | | | | | | | | | | | | | | | | |
| B | Permitted in the district only if approved by the Zoning Commission (ZC) | | | | | | | | | | | | | | | | | | | | | | | |
| A | Permitted in the district only if approved by the Board of County Commissioners (BCC) | | | | | | | | | | | | | | | | | | | | | | | |

Part 5. ULDC, Art 4.B.1.A.14, Assembly Nonprofit Institutional (page 30 of 142), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

Notes:

Underlined language indicates proposed new language.

~~Language crossed out~~ indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT A

PLACES OF ASSEMBLY AMENDMENTS

A. Definitions and Supplementary Standards for Specific Uses

14. Assembly, Nonprofit Institutional

A site or facility open to the public, owned or operated by a not-for-profit organization for social, educational or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.

a. Frontage and Access

1) General

The use shall front a collector, arterial or local commercial street. A place of assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street.

2)b.Redvelopment and Revitalization Overlay

The use may be located on a local residential street, subject to the following criteria:

- 1) Approval of a Special Permit;
- 2) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use;
- 3) A maximum of two acres, unless approved as a Class A conditional use;
- 4) Landscaping in accordance with Art. 7, Landscaping.
- 5) A minimum of one parking space per employee and two visitor parking spaces shall be provided;
- 6) No outdoor activities after 10:00 pm;
- 7) PBC or a CCRT approved neighborhood group shall own or operate the property and facility;
- 8) Prior to the issuance of an occupational license, the building shall comply with all applicable Health and Building Code requirements; and
- 9) The following accessory uses shall be permitted: limited day care, day camp, neighborhood association office, police and fire rescue substations, and special events.

c. TND District

Nonprofit institutional assembly shall be limited to a maximum of Maximum-floor area is 10,000 square feet of GFA.

d. AR District

~~A Type 3 incompatibility buffer shall be provided adjacent to residentially-occupied or zoned property.~~

de. AGR District

~~The use shall be limited to that which serves the needs of farm workers or residents of the AGR tier supports the agriculture industry or provides service to farm workers and shall not be located west of SR7.~~

e. PO District

Nonprofit institutional assembly shall be government owned and operated.

Part 6. ULDC, Art 4.B.1.A.15, Assembly Nonprofit Membership (page 30 of 142), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

15. Assembly, Nonprofit Membership

A site or facility owned or operated by a not-for-profit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls.

a. Frontage and Access

The use shall front a collector, arterial or local commercial street. A place of assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street.

b. AR/RSA

May be permitted in the AR/RSA with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

c. AGR District

The use shall be limited to that which serves the needs of farm workers or residents of the AGR tier and shall not be located west of SR7.

d. PO District

A nonprofit membership assembly shall be government owned and operated.

Notes:

Underlined language indicates proposed new language.

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EXHIBIT A

PLACES OF ASSEMBLY AMENDMENTS

d. TND District

Nonprofit membership assembly shall be limited to a maximum of 10,000 square feet of GFA.

Part 7. ULDC, Art 4.B.1.A.29, Place of Worship (page 35 of 142), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

29. Place of Worship [Ord. 2005-041]

Means a premise or site sanctuary including which may include a retreat, convent, seminary or other similar use facility, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities ~~Collocated facilities that may require additional approval, such as except as provided below by F.S.,~~ include a day care, school, cemetery, or CLF. [Ord. 2005-041]

a. Frontage and Access

A place of worship with collocated accessory facilities uses such as a day care, school, CLF, or cemetery, or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, ~~community center, rectory, convent or seminary,~~ shall have frontage on and access from a collector or an arterial street.

1) Access

~~A church or place of worship in excess of 15,000 square feet of GFA or 350 seats, including collocated facilities and accessory uses, shall have legal access to a collector or arterial street. The County Engineer or PZB may, as a condition of approval, recommend that a church or place of worship below this threshold have access to a collector or arterial street.~~ [Some text Relocated above.]

2) AGR District

The use shall be limited to that which serves the needs of farm workers or residents of the AGR tier and A church or place of worship in the AGR district shall not be located west of SR 7/US 441.

b. Use Limitations

1) DRO Approval Permitted Use

~~A church or place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated and accessory uses,~~ shall be permitted in the CN, CC, CG, MUPD, MXP, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005 – 002]

2) Accessory/Collocated Use

~~A church or place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO.~~

3) Temporary Sales

Temporary sales, such as rummage, bake, or seasonal sales, shall be permitted as an accessory use. Temporary sales greater than three consecutive days shall obtain a Special Permit for Temporary Retail Sales.

4) Limited Day Care

A limited day care shall be permitted as a collocated ~~an~~ accessory use to a church or place of worship with a minimum of 3,000 square feet of GFA or 150 seats subject to approval by the DRO approval. [Ord. 2005 – 002]

5) INST

In the INST FLU designation, affordable housing shall be permitted as an accessory use to a church or place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area.

Part 8. ULDC, Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements (page 6 of 34), is hereby amended as follows:

Notes:

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EXHIBIT A

PLACES OF ASSEMBLY AMENDMENTS

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con’t.

| Use Type: Public/Civic | Parking ¹ | Loading ² |
|--|---|----------------------|
| | | |
| Assembly, nonprofit institutional or membership | 1 space per 3 seats or 1/ 200 sq. ft. for the principal place of assembly, whichever is greater. | A |
| | 1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses. | |
| | Collocated uses classified with the definition of a use listed in Art. 4.B.1, Uses, calculated separately | |
| | | |
| Church or place of worship | 1 space per 3 seats or 200 sq. ft. for the principal place of worship, whichever is greater. (schools, auditoriums, day care centers, and other principal uses calculated separately) | A N/A |
| | 1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses | |
| | Uses such as retreats, rectories, convents or seminaries shall use CLF parking and loading. | |
| | Collocated uses classified with the definition of a use listed in Art. 4.B.1, Uses, calculated separately | |
| | | |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. | | |
| The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

[Ord. 2005-002]

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOOK, Clerk & Comptroller certify
this to be a true and correct copy of the original
dated in my office on June 22, 2006
dated at West Palm Beach, FL on 7/3/06
BY: Diane Brown
Deputy Clerk

U:\zoning\CODEREV\2006\BCC Hearings\Places of Assembly\Ordinance Copy\Exhibit A - Places of Assembly Remove Size Limits - final.doc

Notes:

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Relocated language is shown as *italicized* with reference in parenthesis.